

**REMARKS**

Claim 17 stands rejected under 35 USC 101. The claim is amended to recite that the computer readable medium is non-transitory as requested by the Examiner. Withdrawal of this rejection for purposes of appeal is requested.

In the interview summary dated July 6, 2010, the Examiner confirmed that the most recent action was a final action. However, entry of this amendment is requested and believed proper for purposes of appeal because it simplifies the issues for appeal.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



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John R. Lastova  
Reg. No. 33,149

JRL:maa  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100